

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PEYTON RUUD, a minor, who sues)
by and through her mother and)
next friend, TATUM RUUD, *et al.*,)
)
Plaintiffs,)
)
vs.) CASE NO. 2:05-cv-640
)
SEARS, ROEBUCK & CO., *et al.*,)
)
Defendants.)

MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT

NOW COMES the plaintiff, by and through her attorney, and moves the Court, pursuant to Rule 15(a), FRCP, for leave to amend the complaint, as shown in the proposed amendment attached hereto, to state the total amount of damages claimed as \$74,500 and, for reason, plaintiff says:

1. That, on further evaluation of the plaintiff's claims, the fair value of those claims does not exceed \$75,000.
2. That this amendment limits the causes of action by excluding the wantonness claim and is made for the purpose of reflecting the fair value of the case on re-evaluation by counsel for the minor and her mother.

WHEREFORE, THE PREMISES CONSIDERED, the plaintiff respectfully requests that the Court permit the attached amendment reducing the ad damnum in this matter to \$74,500.



DAVID E. ALLRED
D. CRAIG ALLRED
Attorneys for Plaintiff

OF COUNSEL:

DAVID E. ALLRED, P.C.
Post Office Box 241594
Montgomery, Alabama 36124-1594
Telephone: (334) 396-9200
Facsimile: (334) 396-9977

CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of March, 2006 electronically filed the foregoing *Motion to Amend Complaint* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

Carroll H. Sullivan, Esq. csullivan@scottssullivanlaw.com
George M. Zoghby, Esq. gzoghby@scottssullivanlaw.com



OF COUNSEL